

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.12838 of 2013

Date of Decision:12.01.2018

Karam Singh

... Petitioner

Vs.

Presiding Officer and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. P.C. Goyal, Advocate for the petitioner.

Mr. S.S. Brar, Advocate for respondent No.2.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the order dated 9.4.2013 (Annexure P-5) passed by the Labour Court.

Petitioner's grievance is relating to extending particular pay scale. On 31.5.2013 while ordering notice of motion, following order was passed:

“Contends that the order of the Labour Court passed under Section 33-C (2) of the ID Act, 1947 is erroneous inasmuch as pre existing right to money was established when two other similarly situated workmen were granted benefit under an order passed by the Municipal Committee. This fact was pleaded and pressed but has not been dealt with by the Labour Court.

Notice of motion returnable on 01.08.2013”

Undisputedly similarly situated persons like the petitioner have been extended the benefit of higher pay by the Municipal Committee. On the question of discrimination, petitioner is entitled to pay on par with the similarly situated persons. The said issue has not been apprised by the

Labour Court. To that extent, there is an error apparent on the Labour Court order.

Accordingly, order dated 9.4.2013 passed by the Labour Court is set aside. Concerned respondent is hereby directed to consider the petitioner's claim relating to extending pay on par with the similarly situated workmen and pass an appropriate order within a period of three months from the date of receipt of a certified copy of this order and communicate to the petitioner.

Petition stands allowed in the above terms.

12.01.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**